

## **ARTICLE VIII**

### **ADMINISTRATION AND ENFORCEMENT**

SECTION 8.0 ADMINISTRATION: It shall be the responsibility of the planning commission's engineer to administer these regulations, including performance of all inspections in behalf of the commission, except where specific authority is retained by the planning commission, as provided per these regulations.

SECTION 8.1 FEES FOR PRELIMINARY AND FINAL PLATS; GRADING PLANS; IMPROVEMENT DRAWINGS AND SPECIFICATIONS; INSPECTIONS AND OTHER PLATS: The schedule of fees, charges, etc. shall be as established by the planning commission's By-Laws.

SECTION 8.2 PAYMENT OF FEES: The subdivider shall pay all fees to the planning commission at the time of submitting plats, improvement drawings and specifications, and grading plans for approval. Said fees shall be paid, and made payable to the GRANT County Planning Commission.

SECTION 8.3 FEES FOR INSPECTING IMPROVEMENTS AS PER APPROVED GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, AND/OR FINAL PLATS: An inspection fee shall be charged to the subdivider for inspections during the construction of the improvements. Said inspection fee shall be based on a unit cost per lineal foot of each item of construction required to be inspected, including storm sewer systems, sanitary sewer systems, and street paving including earthwork related to public improvements construction, erosion control plans, driveways and/or sidewalks, etc., measured from grading plans, improvement drawings and specifications and/or final plats by the planning commission representative. Inspection fees shall be paid to the planning commission representative and made payable to the GRANT County Planning Commission prior to final approval of grading plans, improvement drawings and specifications and/or final plats as required by the commission's By-Laws. During construction inspections, the planning commission representative will use collected inspection fees to cover costs for construction inspections.

SECTION 8.4 FEES FOR RECORDING FINAL PLATS IN COUNTY CLERK'S OFFICE: The subdivider shall pay the recording fee as per the requirements of the County Clerk's office.

SECTION 8.5 MODIFICATIONS: The planning commission may grant a modification or waiver to these regulations, as specified herein, providing the planning commission shall find:

- A. That unusual topographical or exceptional physical conditions exist; or
- B. That strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions; or
- C. That the modifications would provide for innovative design layout of the subdivision.

In granting any modification or waiver to these regulations, the planning commission shall find that said modification or waiver will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations.

The planning commission may require certain conditions to be met, as may be determined necessary, to accomplish the purpose of these regulations, when modified.

#### SECTION 8.6 ENFORCEMENT:

- A. **PLANNING COMMISSION'S ENGINEER APPROVAL REQUIRED FOR ALL SUBDIVISION:** No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman and witnessed by the zoning administrator.
- B. **SALE OF LAND IN SUBDIVISION:** No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission, signed by the chairman and witnessed by the zoning administrator and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.
- C. **REVISION OF PLAT AFTER APPROVAL:** No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the planning commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the planning commission.

D. IMPROVEMENTS IN CONFLICT WITH OFFICIAL MAP: After the applicable legislative body or fiscal court has adopted an official map, no board, public officer, or authority shall accept, layout, improve, or authorize any improvements to be constructed in any street, including rights-of-way, watercourses, park and playgrounds, public school or other public building sites shown on the official map, except as provided for in KRS 100.293-100.317.

E. ENFORCEMENT BY PLANNING COMMISSION OR ITS ENGINEER: The planning commission or its engineer, shall have a cause of action for all appropriate relief including injunctions against any governmental bodies or any person who violates any of these regulations.

SECTION 8.7 PENALTIES: Pursuant to KRS 100.991, any person or entity who violates any of these regulations shall, upon conviction, be fined not less than ten dollars (\$10.00) but not more than five hundred dollars (\$500.00) each day of violation shall constitute a separate offense.

SECTION 8.8 SEVERABILITY: If any article, section, subsection, sentence, clause, or phrase of these regulations is, for any reason, held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions thereof, it being the intent to enact each section and portion thereof, individually, and each such section shall stand alone, if necessary, be in force notwithstanding the validity of any other article, section, subsection, sentence, clause or phrase of these regulations.

SECTION 8.9 APPEALS FROM PLANNING COMMISSION'S ENGINEER: Any subdivider claiming to be aggrieved by any actions by the planning commission may appeal such actions to the planning commission.

SECTION 8.10 APPEALS FROM PLANNING COMMISSION: Any appeal from the planning commission's action may be taken in the following manner:

A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the planning commission. Final action shall not include the commission's recommendation made to other governmental bodies.

B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the planning commission and all decisions which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties,

including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

SECTION 8.11      CONFLICT: All regulations, resolutions, orders, ordinances, and/or codes in conflict herewith are hereby repealed on the effective date of these regulations; providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any action done or committed in violation of any such Subdivision Regulations, Order, Resolutions, and/or Amendments thereto, hereby repealed prior to the effective date of these regulations.